IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3454 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NEELA ALIAS NILABEN ARVIND SHAH

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR PP PUROHIT for the Petitioner.

MR DN PATEL for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/03/2002

ORAL JUDGEMENT

Rule. Mr.N.J. Shah, learned Advocate, appears for Mr.D.N.Patel, who is appearing for the respondent, and waives service of rule for the respondent.

With the consent of the parties, the matter is taken up for hearing today.

The petitioner has applied for passport and the same was handed over to him by the Department, in which her birth date was mentioned on the basis of the school leaving certificate. The birth date which is mentioned in the passport is 5.4.1939. However, after receiving the passport, the petitioner gave an application dated 14.3.2002, which is annexed at page 15 of the petition, to correct the entry of birth date in the passport. According to the petitioner, the birth date mentioned in the school leaving certificate was not the correct one and the correct birth date is 25.1.1943, which birth date is also mentioned in the Birth and Death Register. The petitioner has produced copy of the extract of the aforesaid Birth and Death Register, wherein the aforesaid birth date of the petitioner is mentioned as 25.1.1943. The said entry in the Birth and Death Register is made on the basis of the order of the Magistrate, as contended by the learned Advocate for the petitioner.

According to the petitioner, even the place of birth is also wrongly mentioned in the School Leaving Certificate, as, according to the learned Advocate for the petitioner, the birth place of the petitioner is Gondal. Further, according to the learned Advocate for the petitioner, there is a mistake in spelling in mentioning the name of the petitioner, as, according to the petitioner, the real spelling of the name of the petitioner is `Neela', instead of Nila.

Since the application of the petitioner is pending before the respondent-authority, the respondent-authority is directed to take appropriate decision on the application of the petitioner, which is dated 14.3.2002 and appropriate order may be passed in accordance with law and as per the evidence available on the record of the case. The Authority may, after considering the relevant evidence, dispose of the aforesaid application accordingly. The representation may be decided within a period of one month from today.

The petition is accordingly allowed to the aforesaid extent. Rule is made absolute with no order as to costs.

Direct service is permitted.

21st March, 2002 (P.B. Majmudar, J.)

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(apj)